

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
901 N. 5<sup>th</sup> Street  
KANSAS CITY, KANSAS 66101

03 MAY 30 AM 9:53  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF:

ARLINGTON PLATING SUPERFUND SITE  
ST. LOUIS, MISSOURI

RICHARD E. GOSLIN, FRANK J. LEHNER,  
L&G INVESTMENTS,

and

ARLINGTON PLATING COMPANY, INC.

Respondents

Proceeding under Section 106(a) of the  
Comprehensive Environmental Response,  
Compensation, and Liability Act, as  
amended, 42 U.S.C. § 9606(a) and  
Section 7003(a) of the Resource Conservation  
and Recovery Act as amended, 42 U.S.C. § 6973(a).

Docket No. RCRA-07-2003-0165  
CERCLA-07-2003-0165

**UNILATERAL ADMINISTRATIVE ORDER**  
**FOR RESPONSE ACTIVITIES**

## **I. JURISDICTION AND GENERAL PROVISIONS**

1. This Administrative Order ("Order") is issued to Richard E. Goslin, Frank J. Lehner, L & G Investments, and Arlington Plating Company, Inc., ("Respondents") pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order No. 12580, January 23, 1987, 52 Fed. Reg. 2923 (1987), and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B, and again further delegated to the Director, Superfund Division, EPA Region VII by EPA Delegation Nos. R7-14-14-A and R7-14-14-B. This Order is also issued to the Respondents under the authority vested in the Administrator of EPA by Section 7003(a) of the Solid Waste Disposal Act of 1976, commonly referred to as the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (hereinafter referred to as "RCRA"), 42 U.S.C. § 6973(a). The authorities vested in the Administrator pursuant to RCRA have been delegated and redelegated to the EPA Region VII Director of the Air, RCRA, and Toxics Division by EPA Delegation Nos. 8-22-A and B, dated January 1, 1995.

2. This Order pertains to property located at 4001-4007 Goodfellow Boulevard, St. Louis, Missouri ("Site").

3. This Order requires Respondents to conduct certain response actions as detailed in the Statement of Work (SOW) attached hereto as Attachment A to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be presented by the actual or threatened release of hazardous substances at and/or from the Site.

4. EPA has notified the State of Missouri, through the Missouri Department of Natural Resources, of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a) and Section 7003 of RCRA, 42 U.S.C. § 6973.

## **II. PARTIES BOUND**

5. This Order applies to and is binding upon Respondents and Respondents' heirs, directors, officers, employees, agents, receivers, trustees, successors and assigns. Any change in ownership or corporate status of Arlington Plating Company, Inc. ("APC") or L&G Investments ("LGI"), or any transfer of Respondents' assets or real or personal property, shall in no way alter Respondents' responsibilities under this Order. Respondents are jointly and severally liable for carrying out all activities required by this Order. Compliance or noncompliance by one or all Respondent(s) with any provision of this Order shall not excuse or justify noncompliance by the other Respondents.

6. Any change in ownership of the Site shall in no way alter Respondents' responsibilities under this Order.

7. Respondents shall ensure that their contractors, subcontractors, laboratories, consultants, and other representatives, retained to conduct any activities required under this Order, receive a copy of this Order and comply with this Order. Respondents shall be responsible for any noncompliance with this Order.

8. Unless otherwise expressly provided herein, terms used herein which are defined in CERCLA or RCRA, or in regulations promulgated under CERCLA or RCRA shall have the meaning assigned to them in CERCLA or RCRA or in such regulations.

### **III. FINDINGS OF FACT**

9. The APC Site is an abandoned metal plating facility that, as reported by Mr. Goslin, discontinued business in 1996. The Site is a building located at 4001-4007 Goodfellow Boulevard, St. Louis, Missouri. The building is located on property that is adjacent to commercial/light industrial properties on Goodfellow Boulevard and adjacent to residential properties on its west side. Past operations at the Site by APC included metal cleaning, nickel and chrome plating, and electropolishing. During APC's plating operations, hazardous wastes and hazardous substances were generated. The Site contains a plating waste storage area that is about 900 square feet in area. Within the waste storage area there are approximately eighty (80) 55-gallon drums and about sixteen (16) plating and rinse tanks ("vats") that contain hazardous wastes and/or hazardous substances pollutants or contaminants generated as a result of APC's plating operations.

10. After APC discontinued plating operations at the Site, portions of the building were rented out and a portion of the Site currently houses an auto alarm and security business (4005 Goodfellow Boulevard) and Jefferson & Cash Auto Body and Repair (4001 and 4003 Goodfellow Boulevard).

11. During all times pertinent to this Order, the Site was owned by LGI, a fictitious name registration with the State of Missouri owned by Richard E. Goslin and Frank J. Lehner. APC is a Missouri corporation that was administratively dissolved by the Missouri Secretary of State's Office on August 28, 2000. Richard E. Goslin was the last and only known president of APC.

12. On or about January 31, 1995, APC had a sample taken of approximately 10% of the wastewaters that it generated at the Site to determine if it was a hazardous waste. The analysis of

this sample indicated the presence of chromium at 4,409 milligrams per liter. Federal regulations at 40 C.F.R. § 261.24, as incorporated by reference in state regulations, provide that the presence of chromium in wastewater at levels above 5 milligrams per liter results in the wastewater being a RCRA hazardous waste due to toxicity. In addition, chromium is listed as a CERCLA hazardous substance in 40 C.F.R. § 302.4.

13. On March 1, 1995, the MDNR conducted an inspection of APC's operations at the Site to determine whether those operations were in compliance with the Missouri Hazardous Waste Management Law, Sections 260.350-.550 RSMo. This inspection revealed numerous violations of Federal and State hazardous waste regulations as APC had, among other things: (1) failed to make hazardous waste determinations for chromium wastewaters and sludges; (2) stored chromium wastewaters without a permit; (3) treated chromium wastewaters without a permit; (4) stored chromium wastewaters in excess of 90 days; (5) stored chromium wastewaters in open 55-gallon containers; (6) failed to provide secondary containment for its hazardous waste container storage area; (7) failed to label containers of chromium wastewaters and sludge as a hazardous waste; (8) failed to label containers of chromium wastewaters and sludge with proper U.S. Department of Transportation markings; and (10) failed to maintain adequate aisle space in the container storage area of the facility. These and other violations resulted in the MDNR issuing a Notice of Violation to APC on March 1, 1995, and on April 5, 1995, the MDNR issued a Letter of Warning to APC for the violations.

14. Due to APC's failure to adequately address the violations cited during the March 1, 1995 inspection, the MDNR again inspected the Site on September 14, 1995. This inspection again revealed numerous violations of Federal and State hazardous waste regulations as APC

had: (1) stored hazardous wastes at the facility without a permit; (2) accumulated hazardous wastes at the facility for periods in excess of that allowed by Federal and State law; (3) failed to provide secondary containment for its hazardous waste container storage; (4) failed to label containers of chromium wastewaters and sludge as hazardous waste; and (5) failed to indicate the date of accumulation on containers of chromium wastewater sludge.

15. On March 6, 1996, the MDNR issued a Notice and Order to Abate Violations to APC. This Notice and Order to Abate Violations was issued "[b]ecause the recurring violations...and...extended and ultimately unsuccessful efforts by MDNR to encourage [APC] to return to compliance." The Notice and Order to Abate Violations sought injunctive relief to compel APC to: (1) discontinue storing hazardous wastes at the facility without a permit as required by Federal and State hazardous waste regulations; (2) discontinue storing hazardous wastes at the facility in open containers as required by Federal and State hazardous waste regulations; (3) provide secondary containment for the hazardous waste container storage area at the facility as required by Federal and State hazardous waste regulations; (4) properly mark and label containers of hazardous waste stored at the facility as required by Federal and State hazardous waste and U.S. Department of Transportation regulations; and (5) properly mark and label the date of accumulation of hazardous wastes in containers as required by Federal and State hazardous waste regulations.

16. On May 7, 1996, the MDNR conducted an inspection of APC's operations at the Site to determine whether those operations were in compliance with the Missouri Hazardous Waste Management Law and the Notice and Order to Abate Violations referenced in paragraph 14 above. The MDNR was unable to verify compliance during this inspection.

17. On January 9, 1996, APC was charged, pursuant to the Clean Water Act, 33 U.S.C. § 1319(c)(2)(A), with knowingly discharging pollutants into the sanitary sewer without a permit. On January 12, 1996, APC entered a guilty plea to this charge. On June 24, 1996, APC was fined \$23,000, and ordered to make restitution to the Metropolitan St. Louis Sewer District ("MSD") of \$51,119.36 for damage to its sewer.

18. On July 13, 1998, the MSD conducted an inspection of the facility to determine compliance with the plea agreement. During this inspection MSD's inspectors observed approximately seventy-five (75) 55-gallon drums of waste in storage at the facility. While many of the drums were marked "non-hazardous", the drums were packed tightly in a confined area and not all of the drums could be directly observed. As a result of APC's storage practices, the inspectors were unable to determine the contents of all the drums.

19. The drums of waste referred to in paragraph 18 above were also observed by MSD's inspectors during inspections conducted on January 21, 2000, October 19, 2000, January 8, 2002, and December 6, 2002. During the inspection conducted on December 6, 2002, MSD's inspector noted that some drums had been moved to another area of the facility, and that some of the drums were marked with labels indicating that they contained acid wastes and corrosive wastes (i.e., RCRA hazardous wastes).

20. On December 17, 2002, EPA performed an inspection of the Site to verify whether the drums and vats containing plating wastes were RCRA hazardous wastes. During the inspection EPA collected 23 samples from vats and drums and 2 samples of solid material found on the floor ("floor solids"). Analytical results indicated that the majority of the vats and drums sampled contained RCRA hazardous wastes and CERCLA hazardous substances because of

corrosivity and toxicity characteristics. In addition, elevated levels of total chromium and total lead were found in the floor solids, indicating the materials may pose a hazard to human health because lead and chromium are hazardous substances pursuant to CERCLA § 101(14), 42 U.S.C. § 9601 (14).

21. The Site is poorly maintained and is unoccupied after business hours and is therefore vulnerable to vandalism. Due to the number of drums stored in the confined space at the Site, EPA inspectors were unable to determine the condition of the concrete floor of the facility. As a result the inspectors were unable to determine if the floor was sufficiently impervious to contain a release of the hazardous wastes stored at the Site. Even if the floor is determined to be sufficiently impervious, the storage area could not contain the volume of liquid hazardous wastes stored at the Site and as a result a release from the drums could discharge into the environment. Due to site conditions and the large volume of wastes present at the Site, the potential exists for a release of hazardous substances, pollutants, or contaminants into the environment. Such a release could impact the residential area adjacent to the Site and eventually the groundwater pathway due to the elevated concentrations of metals.

#### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

22. Based on the Findings of Fact set forth above and the Administrative Record supporting this response action, EPA has determined that:

A. The Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9) .

B. The contaminants found at the Site, as identified in the Findings of Fact above, include "hazardous substance(s)" as defined by Section 101(14) of CERCLA, 42 U.S.C. §



9601(14) and/or include "hazardous wastes" as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).

C. Each Respondent is a "person" as defined by and within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21) and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

D. Richard E. Goslin, Frank J. Lehner, and L&G Investments are liable under Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1) and Section 7003 of RCRA, 42 U.S.C. § 6973, as they are the current owners and/or operators of the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20).

E. Richard E. Goslin, Frank J. Lehner, Arlington Plating Company, Inc., and L&G Investments are liable under 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2), as they were the owners and/or operators of the facility at the time of disposal of hazardous substances at the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2).

F. Richard E. Goslin, Frank J. Lehner, Arlington Plating Company, Inc., and L&G Investments are liable under Section 7003 of RCRA, 42 U.S.C. § 6973, because they are past or present owners or operators of a hazardous waste treatment, storage or disposal facility.

G. There has been an actual or threatened "release" of hazardous substances or hazardous wastes from the facility as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

H. The conditions present at the Site may present a threat to the public health, welfare or the environment. These factors include, but are not limited to:

i. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants; this factor may be present at the Site due to the site conditions, the quantity of hazardous waste stored at the Site and its location adjacent to a residential area and the presence of nearby surface water features.

ii. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release; an estimated 5000 gallons of plating-related wastes containing hazardous substances are stored at the Site in violation of RCRA and its implementing regulations.

iii. The unavailability of other appropriate state or local response mechanisms to respond to the threat of release; the state and local governments have indicated that they lack the resources necessary to respond to this threat of release and have referred this matter to the EPA.

I. Present site conditions may pose an imminent and substantial endangerment to human health and the environment which meet the criteria for response actions within the meaning of Section 7003 of RCRA, 42 U.S.C. § 6973, Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), and 40 C.F.R. § 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP").

J. The response actions required by this Order are necessary to protect the public health, welfare or the environment and are not inconsistent with CERCLA or the NCP.

## **V. ORDER**

23. Based on the foregoing Findings of Fact, Conclusions of Law and Determinations, and the Administrative Record for this Site, EPA HEREBY ORDERS that Respondents comply

with the following provisions, including but not limited to the attached Statement of Work, all documents incorporated by reference into this Order, and all schedules and deadlines in this Order, attached to this Order, or incorporated by reference into this Order, and perform the following actions:

24. Notice of Intent to Comply. Each Respondent shall notify EPA within five (5) days (unless otherwise specified, "days," as used herein, refers to calendar days) after the Effective Date of this Order (see Section XIX, herein) of their intent to comply with this Order. Respondents' failure to provide such notification within this time period shall be a violation of this Order and shall be considered a refusal to take the actions required by this Order.

25. Designation of Contractor, Project Coordinator, and On-Scene Coordinator.

A. Respondents shall retain a primary contractor to perform the response actions required by this Order. Respondents shall notify EPA of the name and qualifications of their primary contractor within twenty (20) days of the Effective Date of this Order. If EPA does not disapprove of the primary contractor, EPA will provide to Respondents a written Authorization to Proceed.

B. Respondents shall also notify EPA of the name(s) and qualifications of any other contractor or subcontractor retained to perform work under this Order at least ten (10) days prior to commencement of work by such contractor or subcontractor.

C. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by Respondents. If EPA disapproves of a selected contractor or subcontractor Respondents shall retain a different contractor or subcontractor within seven (7) days following receipt of EPA's disapproval and shall notify EPA of the identities of the

replacement contractor(s) or subcontractor(s) and their qualifications within ten (10) days of receipt of EPA's disapproval.

D. Within five (5) days after the Effective Date of this Order, Respondents shall designate in writing a Project Coordinator and shall submit such person's name, address, telephone number, and qualifications to EPA. Respondents' Project Coordinator shall be responsible for administration of all of Respondents' actions required by this Order. To the greatest extent possible, Respondents' Project Coordinator shall be present on-site or readily available during site work. EPA retains the right to disapprove of any Project Coordinator named by Respondents. If EPA disapproves of a proposed Project Coordinator, Respondents shall retain a different Project Coordinator and shall notify EPA of that person's name, address, telephone number, and qualifications within ten (10) days following receipt of EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from EPA pertaining to this Order shall constitute receipt by Respondents.

E. EPA has designated the individual listed below as its On Scene Coordinator ("OSC") under this Order:

Jim Silver  
EPA Region 7  
SUPR/ER&R  
351 Station Street  
Herculaneum, Missouri 63048  
telephone (636) 587-9895  
facsimile (636) 475-3946

Respondents shall direct all submissions required by this Order by certified or overnight mail or facsimile transmission to EPA's OSC.

26. Work to be Performed. Respondents shall perform, at a minimum, the response

actions specified in the Statement of Work which is attached to and a part of this Order. All activities required by this Order shall be conducted in accordance with RCRA, CERCLA, the NCP and all applicable and appropriate EPA guidances, policies, and procedures, including any amendments or revisions to such guidances, policies, and procedures. EPA shall determine the applicability and appropriateness of its guidances, policies, and procedures. Respondents shall comply with any amendment or revision to EPA's guidances, policies, and procedures upon receipt of a notification from EPA stating that such amendments or revisions are applicable and appropriate for work remaining to be conducted pursuant to this Order.

A. Work Plan and Implementation.

i. Within thirty (30) days of Respondents' receipt of the Authorization to Proceed from EPA, Respondents shall submit to EPA for review and approval a Response Action Work Plan for performing the response actions set forth in the attached Statement of Work. The Response Action Work Plan shall provide a description of, and an expeditious, detailed schedule for the implementation of the response actions required by this Order.

ii. EPA may approve, disapprove, require revisions to, modify, or develop the Response Action Work Plan in accordance with Section IX (Submissions Requiring EPA Approval) of this Order.

iii. Once approved, approved with modifications, modified, or developed by EPA, the Response Action Work Plan, the schedules contained therein, and any subsequent modifications shall become a part of and shall be fully enforceable under this Order.

iv. Respondents shall implement the Response Action Work Plan as finally approved, modified, or developed by EPA in accordance with the schedule approved or established by EPA.

v. Respondents shall notify EPA at least ten (10) days prior to performing any on-site work pursuant to the Response Action Work Plan approved, modified, or developed by EPA.

vi. Respondents shall not commence or undertake any response actions at the Site without EPA's prior written approval.

B. Health and Safety Plan.

i. Within forty-five (45) days of Respondents' receipt of the Authorization to Proceed from EPA, Respondents shall submit for EPA review and comment a Health and Safety Plan that ensures the protection of the public health and safety during performance of on-site work required by this Order. This plan shall be prepared in accordance with EPA's current Standard Operating Safety Guide (November 1984, updated July 1988). In addition, this plan shall comply with all current applicable Occupational Safety and Health Administration ("OSHA") regulations; Hazardous Waste Operations and Emergency Response regulations, both found at 29 C.F.R. Part 1910.

ii. Respondents shall incorporate all changes to the Health and Safety Plan recommended by EPA, and implement the plan during the pendency of the work conducted pursuant to this Order.

C. Quality Assurance and Sampling.

i. All sampling and analyses performed pursuant to this Order shall

conform to EPA direction, approval, and guidance regarding sampling, quality assurance/quality control ("QA/QC"), data validation, and chain-of-custody procedures; and shall be in accordance with the approved Quality Assurance Project Plan as described in the SOW. Respondents shall ensure that each laboratory used to perform analyses participates in a QA/QC program that complies with appropriate EPA guidance. Respondents shall use the following documents as guidance for QA/QC and sampling: "Quality Assurance/Quality Control Guidance for Removal Activities: Sampling QA/QC Plan and Data Validation Procedures," OSWER Directive Number 9360.4-01; "Environmental Response Team Standard Operating Procedures," OSWER Directive Numbers 9360.4-02 through 9360.4-08; and any other pertinent EPA directive and guidance.

ii. Upon request by EPA, Respondents shall have the laboratory(s) being utilized by Respondents analyze samples submitted by EPA for quality-assurance monitoring. Respondents shall identify in the Response Action Work Plan the quality assurance/quality control procedures to be followed by all sampling teams and laboratories performing data collection and/or analysis.

iii. Upon request by EPA, Respondents shall allow EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents, their contractor(s), or anyone on behalf of Respondents while performing work under this Order. Respondents shall notify EPA not less than ten (10) days in advance of any sample collection activity. EPA shall have the right to take any additional samples that it deems necessary.

iv. Respondents shall submit to EPA, within two (2) business days of receipt by Respondents, analytical data for samples collected in connection with this Order.

D. Final Report.

i. Within ninety (90) days following the completion of all work required by this Order, Respondents shall submit for EPA review and approval a Final Report summarizing the actions taken to comply with this Order. The Final Report shall generally conform to, at a minimum, the guidelines set forth in OSWER Directive Number 9360.3-03, "Removal Response Reporting." The Final Report shall include, in addition to the items described in Task 4 of the SOW, a good faith estimate of total costs or a statement of actual costs incurred in complying with this Order, a listing of quantities and types of materials removed off-site or handled on-site, a discussion of response and disposal options considered for those materials, a listing of the ultimate destination(s) of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the response action (e.g., manifests, invoices, bills, contracts, and permits).

ii. The Final Report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

"Under penalty of law, I certify that to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of the report, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

27. Access to Property and Information.

A. Respondents shall obtain and provide access to the Site and to off-Site areas subject to or affected by the work required under this Order, and shall also provide access to all records and documentation in Respondents' possession or control that relate to the conditions at



the Site and the activities conducted pursuant to this Order. Such access shall be provided to EPA employees, contractors, agents, consultants, designees, representatives, and State of Missouri and City of St. Louis representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which EPA determines to be necessary. Nothing herein shall be interpreted as limiting or affecting EPA's right of entry or inspection authority under Federal law.

B. Within seven (7) days of receipt of a written request from EPA, Respondents shall submit to EPA the results of all requested sampling and tests and all other data generated by Respondents or their contractors, or on Respondents' behalf, during implementation of this Order.

C. Where work under this Order is to be performed in areas owned by or in the possession of someone other than Respondents, Respondents shall use their "best efforts" to obtain all necessary access agreements within thirty (30) days after the Effective Date of this Order, or as otherwise specified by EPA's OSC. As used in this Section, "best efforts" shall include, at a minimum, the payment of reasonable consideration for access to the present owner of any property where work is to be performed, or where EPA may determine access is necessary. Respondents shall immediately notify EPA in writing if, after using its best efforts, Respondents are unable to obtain such agreements. In the written notification, Respondents shall describe their efforts to obtain access. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response actions described herein, utilizing such means as EPA deems appropriate. EPA reserves the right to seek reimbursement from Respondents for all costs incurred by the United States in obtaining access for Respondents.

28. Record Retention, Documentation, Availability of Information.

A. Respondents shall preserve all documents and information relating to the response actions performed under this Order, or relating to the solid wastes, hazardous wastes, and/or hazardous substances found on or released from the Site, for six (6) years following issuance of the Notice of Completion by EPA pursuant to Section XIV of this Order. If during such six-year period EPA requests in writing to review or copy any such documentation or information, Respondents shall provide the original or copies of such documents or information to EPA within fifteen (15) days of receipt of EPA's written request. At the end of this six-year period and sixty (60) days before any such document or information is destroyed, Respondents shall notify EPA that such documents and information are available to EPA for inspection, and upon EPA's request, Respondents shall provide the originals or copies of such documents and information to EPA.

B. Respondents may assert a business confidentiality claim pursuant to 40 C.F.R. § 2.203(b) with respect to part or all of any information submitted to EPA pursuant to this Order, provided such claim is allowed by applicable law.

C. Respondents may assert that certain documents or records required to be submitted to EPA pursuant to this Order are privileged under the attorney-client privilege or are considered attorney work product. If Respondents assert such a privilege in lieu of providing documents, Respondents shall provide EPA with the following: (a) the title of the document or record; (b) the date of the document or record; (c) the name and title of the author of the document or record; (d) the name and title of each addressee and recipient; (e) a description of the subject matter of the document or record; and (f) an identification of the privilege claimed

and the basis for assertion of the privilege. However, no document or record created or generated pursuant to the requirements of this Order shall be withheld on the grounds that it is privileged. Any document or record for which Respondents assert such a privilege shall not be destroyed until Respondents receive a notification from EPA authorizing such destruction.

D. EPA may, at any time, challenge claims of business confidentiality or privilege through negotiations or otherwise as provided by law or the Federal Rules of Civil Procedure.

29. Off-Site Shipments. All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage, or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and the Amendment to the National Oil and Hazardous Substances Pollution Contingency Plan; Procedures for Planning and Implementing Off-Site Response Actions: Final Rule, 58 Fed. Reg. 49,200 (September 22, 1993), codified at 40 C.F.R. § 300.440. Upon request, EPA's OSC will provide information to Respondents on the acceptability of a facility under Section 121(d)(3) of CERCLA and the above rule. Unless impracticable, prior notification of out-of-state waste shipments should be given consistent with EPA's OSWER Directive 9330.2-07.

## **VI. COMPLIANCE WITH OTHER LAWS**

30. Respondents shall perform all actions required pursuant to this Order in accordance with all applicable local, state, and Federal laws and regulations; except as provided in Section 121(e) of CERCLA, 42 U.S.C. § 9621(e), and 40 C.F.R. § 300.415(j). In accordance with 40 C.F.R. § 300.415(j), all on-site actions required pursuant to this Order shall, to the extent

practicable as determined by EPA considering the exigencies of the situation, attain applicable or relevant and appropriate requirements ("ARARs") under Federal environmental, state environmental, or facility siting laws (see "The Superfund Removal Procedures for Consideration of ARARs During Removal Actions," EPA's OSWER Directive No. 9360.3-02, August 1991). Respondents shall identify ARARs in the Response Action Work Plan, and the ARARs are subject to EPA approval.

#### **VII. EMERGENCY RESPONSE AND NOTIFICATION OF RELEASES**

31. If any incident or change in the condition of the Site occurs during the implementation of activities conducted pursuant to this Order that causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare or the environment, Respondents shall immediately take all appropriate action. Respondents shall take these actions in accordance with all applicable provisions of this Order, including but not limited to the Health and Safety Plan, in order to prevent, abate or minimize such release or endangerment caused or threatened by the release. Respondents shall also immediately notify EPA's OSC or, in the event of his unavailability, shall notify the Regional Duty Officer, Superfund Division, EPA Region 7, (913) 281-0991, of the incident or change in site conditions. Respondents shall submit a written report to EPA within seven (7) days after each release, incident, or change in site conditions setting forth the events that occurred and the measures taken or to be taken to mitigate any release or potential release or endangerment caused or threatened by the release or potential release and to prevent the reoccurrence of such a release or potential release. If Respondents fail to take action, EPA may respond to the release or endangerment and reserves the right to pursue cost recovery.

32. The reporting requirements under this Section are in addition to, not in lieu of, the reporting requirements set forth in Section 103 of CERCLA, 42 U.S.C. § 9603, and Section 301 et seq. of the Emergency Planning and Community Right-To-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11001 et seq.

#### **VIII. AUTHORITY OF EPA'S ON-SCENE COORDINATOR**

33. EPA's Project Coordinator shall be responsible for overseeing the proper and complete implementation of this Order. EPA's Project Coordinator shall have the authority vested in an OSC by 40 C.F.R. § 300.120 of the NCP, including the authority to halt, conduct, or direct any action required by this Order, or to direct any other response action undertaken by EPA or Respondents at the site. The absence of EPA's OSC from the site shall not be cause for stoppage of work unless specifically directed by EPA's OSC.

34. EPA and Respondents shall have the right to change their designated Project Coordinator/OSC. EPA shall notify the Respondents, and Respondents shall notify EPA within five (5) business days before such a change is made. Notification may initially be made orally, but shall be followed promptly by written notice. Respondents' selection of a new Project Coordinator is subject to EPA approval.

#### **IX. SUBMISSIONS REQUIRING EPA APPROVAL**

35. After review of any plan, report, or other deliverable which is required to be submitted for approval pursuant to this Order, EPA shall: (A) approve, in whole or in part, the submission; (B) approve the submission upon specified conditions; (C) modify the submission to cure the deficiencies; (D) disapprove, in whole or in part, the submission, directing the

Respondents to modify the submission; (E) develop the submission; or (F) any combination of the above.

36. In the event of approval, approval upon conditions, or modification by EPA, Respondents shall proceed to take any action required by the plan, report, or other deliverable, as approved or modified by EPA.

37. Upon receipt of a notice of disapproval, Respondents shall, within fourteen (14) days or such other time as specified by EPA in such notice, correct the deficiencies and resubmit the plan, report or other deliverable for approval.

38. Notwithstanding the receipt of a notice of disapproval, Respondents shall proceed, at the direction of EPA, to take any action required by any non-deficient portion of the submission.

39. In the event that a resubmitted plan, report, or other deliverable, or portion thereof, is disapproved by EPA, EPA may again require Respondents to correct the deficiencies in accordance with the preceding paragraphs. EPA also retains the right to amend or develop the plan, report, or other deliverable. Respondents shall implement any such plan, report, or other deliverable as amended or developed by EPA.

40. If upon resubmission, a plan, report, or other deliverable is disapproved, modified, or developed by EPA due to a material defect, Respondents shall be deemed to be in violation of the terms and conditions of the Order and may be subject to the penalties identified in Section X (Enforcement: Penalties for Noncompliance) of this Order.

41. All plans, reports, and other deliverables required to be submitted to EPA under this Order shall, upon approval, modification or development by EPA, be enforceable under this Order. In the event that EPA approves, modifies, or develops a portion of a plan, report, or

deliverable required to be submitted to EPA under this Order, the approved, modified, or developed portion shall be enforceable under this Order.

#### **X. ENFORCEMENT: PENALTIES FOR NONCOMPLIANCE**

42. Pursuant to Section 106(b) of CERCLA, 42 U.S.C. § 9606(b), any person who, without sufficient cause, willfully violates, or fails or refuses to comply with, this Order may, in addition to an action brought in the appropriate United States District Court to enforce this Order, be fined not more than \$27,500 for each day that such violation occurs or such failure to comply continues.

43. Pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(C)(3), any person who is liable for a release or threat of release of a hazardous substance and who fails without sufficient cause to provide properly the actions specified in this Order may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred as a result of such failure to take proper action.

44. Pursuant to Section 7003 of RCRA, 42 U.S.C. § 6937, any person who, without sufficient cause, willfully violates, or fails or refuses to comply with, this Order may, in addition to an action brought in the appropriate United States District Court to enforce this Order, be fined not more than \$5,000 for each day that such violation occurs or such failure to comply continues.

#### **XI. RESERVATION OF RIGHTS**

45. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare or the environment or to prevent, abate or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at or from the Site. Further, nothing herein shall

prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring Respondents in the future to perform additional activities pursuant to CERCLA or RCRA or any other applicable law.

46. EPA reserves the right to bring an action against Respondents under Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any response costs incurred by the United States in connection with this Order or the Site.

47. EPA reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including without limitation, the assessment of penalties under CERCLA and/or RCRA.

48. EPA hereby expressly reserves any right it may have to perform any work required to be performed hereunder by Respondents including, but not limited to, response actions as it deems necessary to protect public health or the environment.

49. If EPA determines that work in compliance or noncompliance with this Order has caused or may cause a release of solid wastes, hazardous wastes, and/or hazardous substances or is a threat to human health or the environment or that Respondents are not capable of undertaking any of the work required hereunder, EPA reserves the right to order Respondents to stop further implementation of this Order for such period of time as EPA determines may be needed to abate any such release or threat or to undertake any action that EPA determines is necessary.

## **XII. OTHER CLAIMS**

50. By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. Neither



the United States nor EPA shall be deemed a party to any contract entered into by Respondents or their heirs, employees, agents, contractors, or consultants in carrying out activities pursuant to this Order.

51. Nothing in this Order shall constitute or be construed as a covenant not to sue, or as a waiver or satisfaction of or release from any claim or cause of action against the Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, RCRA, or any other statutory, regulatory or the common law of the United States, including but not limited to any claims of the United States for costs, damages and interest under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a).

52. This Order does not constitute a preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

### **XIII. MODIFICATIONS**

53. Minor modifications to any plan or schedule may be made in writing by EPA's OSC or at his oral direction. The remainder of the Order, or any other portion of the Order, including the attached Statement of Work may only be modified in writing by signature of the delegated EPA Region 7 signatory or his or her designee.

54. If Respondents seek permission to deviate from any approved plan or schedule (or the Statement of Work), Respondents' Project Coordinator shall submit a written request to EPA for approval outlining the proposed modification and its basis.

55. No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, or any other writing submitted by Respondents shall relieve the Respondents of their obligation to obtain such formal approval as may be required by this Order,

and to comply with all requirements of this Order unless and until this Order is formally modified.

#### **XIV. NOTICE OF COMPLETION**

56. When EPA determines, after EPA's review of the Final Report, that all actions and requirements have been fully performed in accordance with this Order, with the exception of any continuing obligations required by this Order (including the record retention requirements of this Order), EPA will provide a Notice of Completion to Respondents. If EPA determines that any work has not been completed in accordance with this Order, EPA will notify Respondents in writing, providing a list of the deficiencies and a schedule for completing the work. If appropriate, the EPA notification may require Respondents to modify a work plan to correct such deficiencies in accordance with the schedule contained in EPA's notice. Any required modified work plan is subject to EPA approval. Respondents shall implement any such modified work plan as finally approved, modified, or developed by EPA, complete the work, and submit a modified Final Report in accordance with the schedule set forth in the EPA notice. Failure by Respondents to implement an EPA approved, modified, or developed work plan and complete the work shall be a violation of this Order.

#### **XV. ACCESS TO ADMINISTRATIVE RECORD**

57. The Administrative Record supporting these removal actions is available for review at 901 North Fifth Street, Kansas City, Kansas 66101.

#### **XVI. OPPORTUNITY TO CONFER**

58. Each Respondent may, within three (3) days of the date of the Respondent's receipt of this Order, request a conference with EPA. Any such conference shall be held within ten (10)

days of Respondent's request unless extended by agreement of the parties.

59. If a conference is held, Respondents may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondents may submit any information, arguments or comments in writing to EPA within seven (7) days following the conference, or within seven (7) days following issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents the right to seek review of this Order. Requests for a conference, or any written submittal under this Paragraph, shall be directed to:

J. Daniel Breedlove, Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101  
telephone 913-551-7172  
facsimile 913-551-7925

#### **XVII. ADDITIONAL RESPONSE ACTIONS**

60. If EPA determines that additional response actions not included in an approved plan are necessary to protect public health, welfare or the environment, EPA will notify Respondents of that determination. Unless otherwise stated by EPA, within thirty (30) days of receipt of notice from EPA that additional response actions are necessary to protect public health, welfare or the environment, Respondents shall submit for approval by EPA a work plan for the additional response actions. This work plan shall conform to the applicable requirements of Section V of this Order. Upon EPA's approval of the work plan, or modification or development of the work plan by EPA, pursuant to Section IX (Submissions Requiring EPA Approval) of this Order, Respondents shall implement the plan for additional response actions in accordance with the

provisions and schedules contained therein. This Section does not alter or diminish the EPA OSC's authority to make oral modifications to any plan or schedule pursuant to Section XIII (Modifications) of this Order.

#### **XVIII. SEVERABILITY**


61. If any court issues an order that invalidates any provision of this Order, or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all other provisions of this Order not invalidated or determined to be subject to a sufficient cause defense by the court's order.

#### **XIX. EFFECTIVE DATE**

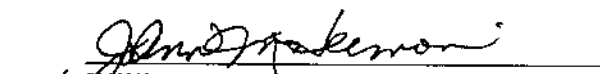
62. This Order shall become effective on the fourth (4th) day following the Respondent's receipt of this Order unless a conference is requested by Respondents pursuant to Section XVI (Opportunity to Confer) of this Order. If such a conference is requested, this Order shall become effective on the tenth (10th) day following the day of the conference unless EPA provides Respondents with written notice that the Effective Date is extended for good cause.

#### **IT IS SO ORDERED:**

5/28, 2003

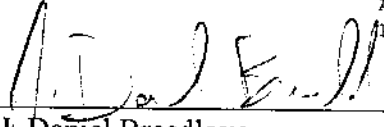
  
Andrea Jirka  
Acting Director, Superfund Division  
Environmental Protection Agency  
Region 7

5/29, 2003

  
William A. Spratlin  
Director, Air, RCRA & Toxics Division  
Environmental Protection Agency  
Region 7

5/28, 2003

Arlington Plating  
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\_\_\_\_\_  
J. Daniel Breedlove  
Assistant Regional Counsel  
Environmental Protection Agency  
Region 7

ATTACHMENT A  
STATEMENT OF WORK (SOW)  
ARLINGTON PLATING  
ST. LOUIS, MISSOURI

Task 1 - Response Action Work Plan

1. Respondents shall develop and submit for EPA review and approval a Removal Action Work Plan ("RAWP") that describes in detail methods and procedures used in conducting this response action. The RAWP shall include at a minimum, the following information:
  - a. Brief background of operations conducted at the Site and a description of the physical location.
  - b. Plan for inventory, characterization, removal, and disposal of all drums and other containers containing hazardous wastes, hazardous substances, or solid wastes. Further, the plan will provide for the characterization, removal and disposal of floor solids and contaminated flooring at the facility. The materials in drums, other containers, and the floor sweepings and contaminated flooring will be disposed of at a facility which is in compliance with the CERCLA off-site policy as set forth in 40 C.F.R. § 300.440 of the NCP and the requirements of RCRA.
  - c. Method(s) to be used in inventorying, bulking, and segregating drums and other containers.
  - d. Method(s) to be used for transporting and disposing of all wastes and visibly contaminated flooring.
2. The RAWP shall also describe in detail how Respondents will meet all Applicable Relevant and Appropriate Requirements (ARARs) and comply with federal, state, and local laws and regulations in conducting the requirements of the Order and this SOW. The RAWP shall also describe how the Respondent will post notice to the public of the endangerment that is present at the Site.
3. The RAWP shall include a Quality Assurance Project Plan ("QAPP") that describes the project objectives and organization, functional activities, and QA/QC protocols that shall be used to achieve the project objectives. The QAPP generated by Respondents shall meet and/or exceed the elements indicated in *EPA Requirements for Quality Assurance Project Plans* (EPA QA/R-5, EPA/240/B-01/003, March 2001) and *EPA Guidance for Quality Assurance Project Plans* (EPA QA/G-5, EPA/600/R-02/009, December 2002). The QAPP shall address general sampling procedures, sample custody, analytical procedures including appropriate detection limits, and data reduction, validation, reporting, and personnel qualifications.
4. The RAWP shall contain a time line identifying, at a minimum, dates of the following:

- a. Expected mobilization date;
- b. Expected time durations of response activities; and
- c. Submission of the final response action report.

#### Task 2 - Health and Safety Plan.

- 5. Respondents shall prepare and submit for EPA review and comment a written Site Health and Safety Plan in accordance with 29 C.F.R. Part 1910.120. This plan shall also include an emergency response plan that details procedures to be followed should an accident and/or release of hazardous substances occur at the Site. This plan shall also include a provision to notify EPA's OSC in addition to regulatory notifications.

#### Task 3 - Removal Action.

- 6. The objective of this response action is to remove the immediate threat posed by the drums and other containers. The response action shall consist of the removal and off-site disposal of the drums and other containers at the Site through the implementation of the RAWP.
- 7. Respondents shall properly characterize all wastes found on-site and then load, haul, and remove from the Site all waste containers, all contaminated flooring from spilled or leaking containers, and all other hazardous substances or hazardous wastes found at the Site.
- 8. Respondents shall ensure that loading and transportation of materials from this Site is conducted in accordance with Federal, State, and/or local rules and regulations governing the mode of transportation to be used. Extreme care shall be taken to load and cover materials so that no release occurs during normal transport. If a release of materials does occur during transport, Respondents shall take immediate actions to control and/or mitigate the release and to notify the appropriate regulatory authorities. In addition, Respondents shall notify the EPA OSC at (913) 551-7488 of such release.
- 9. Respondents shall ensure that all Site-derived wastes are managed and disposed of as either hazardous waste, and/or solid waste as required by law or regulation in accordance with the rules and regulations of the State of Missouri and/or the state where the material is to be disposed. If the state where disposal will occur has no such rules and regulation, Federal rules will apply. Off-site disposal shall be in accordance with all applicable laws and regulations including the RCRA regulations at 40 C.F.R. Part 260 et seq. (including the Land Disposal Restrictions at 40 C.F.R. Part 268). In addition, the materials removed

from the Site shall be disposed of at a facility which is in compliance with the CERCLA off-site policy as set forth in 40 C.F.R. §300.440 of the NCP. All waste materials, whether hazardous or non-hazardous, shall be tracked and documented from point of origin (the Site) to the point of ultimate disposal. Respondents shall notify the OSC of the disposal facility or facilities to be used for all materials prior to transport of the materials from the Site.

#### Task 4 - Activity Reporting

10. Respondents shall prepare a Final Report that summarizes all activities conducted at the Site during this removal action. This report shall be due to EPA no later than sixty (60) days after completion of all work required by this Order. This report shall also include, at a minimum, the following:
  - a. Copies of all hazardous waste manifests or other appropriate shipping papers that describe the origin and destination, amount, and description of all waste materials being transported off-site. These shipping papers must also identify the transporter, the date the materials were shipped, and the date the materials were received by the ultimate disposal facility. All shipping papers must be signed by the generator (Respondents), the transporter, and the disposal facility;
  - b. Copies of all results of chemical or physical analyses conducted during this removal action, including the results of any field screening or other "on-site" analyses;
  - c. Copies of any and all sampling documentation including field sheets and chain-of-custody sheets;
  - d. Copies of any and all pertinent photographs taken during response activities; and
  - e. A narrative explanation of all activities that occurred during the removal action.





## Small Business Environmental Assistance

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

*EPA's Home Page*  
<http://www.epa.gov>

*Small Business Assistance Programs*  
<http://www.epa.gov/ttn/sbap>

*Compliance Assistance Home Page*  
<http://www.epa.gov/oeca/oc>

*Office of Site Remediation Enforcement*  
<http://www.epa.gov/oeca/osre>

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

*EPA's Small Business Ombudsman*  
(800) 368-5888

*Hazardous Waste/Underground Storage Tank  
Superfund*  
(800) 424-9346

*National Response Center*  
(to report oil and hazardous substance spills)  
(800) 424-8802

*Toxic Substances and Asbestos Information*  
(202) 554-1404

*Safe Drinking Water*  
(800) 426-4791

*Stratospheric Ozone and Refrigerants  
Information*  
(800) 296-1996

*Clean Air Technical Center*  
(919) 541-0800

*Wetlands Hotline*  
(800) 832-7828

Continued on back



## NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

### CERTIFICATE OF SERVICE

I certify that on the date noted below I hand-delivered the original and one true copy of this Unilateral Administrative Order for Response Activities to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101.

I further certify that on the date below I sent by certified mail, return receipt requested, a true and correct copy of the original Unilateral Administrative Order for Response Activities, a copy of the Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings, and a copy of the Office of Enforcement and Compliance Assurance Information Sheet regarding U.S. EPA Small Business Resources to the following recipients:

Charles H. Billings  
Registered Agent, Arlington Plating Company, Inc.  
1735 South Big Bend Street  
St. Louis, Missouri 63117

Richard E. Goslin  
4709 Huster Road  
St. Charles, Missouri 63301

Frank J. Lehner  
c/o L&G Investments  
15609 Brunswick Manor Court  
Florissant, Missouri 63034-3471

\_\_\_\_\_  
Date